



THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

MICHAEL A. CARDOZO  
Corporation Counsel

JOHANA V. CASTRO  
Assistant Corporation Counsel  
phone: (212) 788-0976  
fax: (212) 788-9776  
email: jcastro@law.nyc.gov

BY HAND

Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

March 26, 2008

*So ordered. The  
Ct. is adjourned  
to June 13, 2008,  
9:30 am.  
3/27/08  
[Signature]*

Re: Alejandro v. City of New York et al., 08 CV 1685 (AKH)

Dear Judge Hellerstein:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the above-referenced case. I am writing with the consent of plaintiff's counsel, Andrew Plasse, Esq., to respectfully request a sixty-day enlargement of time, from March 30, 2008 to May 29, 2008 within which the City may answer or otherwise respond to the complaint. If the Court is so inclined to grant this request, it is further respectfully requested that the initial conference currently scheduled for April 11, 2008 at 9:30 AM be adjourned to a later date and time convenient to the Court after issue has been joined.

The complaint alleges, inter alia, that plaintiff George Alejandro was subjected to excessive force by members of the New York City Department of Correction. In addition to the City of New York, plaintiff purports to name Captain "John" Ross, C.O. "John" Graves, C.O. "John" Nieves, and C.O. "John" Rodriguez as defendants.<sup>1</sup> Before this office can adequately

<sup>1</sup> According to the docket sheet, the individuals identified in the caption of the complaint as Captain "John" Ross, C.O. "John" Graves, C.O. "John" Nieves, and C.O. "John" Rodriguez were served with the summons and complaint in this action on or about March 13, 2008. Without appearing on their behalf or making any representations with respect to service I also respectfully

Continued...

respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will therefore afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether the individually named defendants have been properly served. If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent Captain "John" Ross, C.O. "John" Graves, C.O. "John" Nieves, and C.O. "John" Rodriguez. They must then decide whether they wish to be represented by this office. If so, we must obtain their written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See Mercurio v. The City of New York, et al., 758 F.2d 862, 854-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that the City's time to respond to the complaint be extended to May 29, 2008. Additionally, if the Court is so inclined to grant this request, it is further respectfully requested that the initial conference scheduled for April 11, 2008 at 9:30 AM be adjourned to a later date and time convenient to the Court after issue has been joined.

Thank you for your consideration in this regard.

Respectfully submitted,



Johana Castro (JC 1809)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: BY FAX  
(212) 402-7737  
Andrew F. Plasse, Esq.  
Attorney for Plaintiff  
352 7<sup>th</sup> Avenue, Suite 402  
New York, NY 10001

---

request that these additional defendants' time to answer or otherwise respond to the complaint also be extended until May 29, 2008.